

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CIVIL ACTION No.: 03 CV 12573 EFH

BERNADINE T. GRIFFITH
Plaintiff

vs.

ONEBEACON INSURANCE COMPANY,
ONEBEACON AMERICA INSURANCE
COMPANY, MICHAEL A. SISTO, and
KAREN ALLEN HOLMES
Defendants

**PLAINTIFF'S EMERGENCY MOTION TO SEAL
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

NOW COMES the Plaintiff, Bernadine T. Griffith, who moves this Honorable Court to remove any and all filings on PACER pertaining to Defendants' Motion For Summary Judgment on the grounds that the Defendants have wrongfully published personal and confidential information pertaining to the Plaintiff in electronic filings docketed as numbers 61-70. *See Exhibit A July 25, 2005 print out of docket sheet on PACER.* On July 25, 2005, when this counsel first learned of the wrongfully publication of Plaintiff's personal and confidential information, this counsel called and faxed a letter to Defendants' counsel requesting the immediate filing of a motion to seal the Defendants' Motion for Summary Judgment and requested the Defendants serve the Plaintiff with a written copy of Defendants' Motion for Summary Judgment. *See attached Exhibit B, July 25, 2005 letter to Defendants' Counsel.* This counsel also contacted the Court via facsimile and conferred with Sandra Holadran by telephone.

The Motion in question exceeds the forty (40) page limit that this Court ordered on June 27, 2005. The Motion contains 28 pages referred to as a "Statement of Undisputed Material Facts" and 33 pages referred to as a "Memorandum of Law." The Defendants also filed a Declaration and 51 Exhibits, which improperly contains documents other than sworn statements, i.e., affidavits, deposition testimony, or answers to interrogatories. In addition to the July 21, 2005 electronic filing of Defendants' Motion for Summary Judgment (of which there is no "motion"), the Defendants once again filed a Motion for Summary Judgment on July 22, 2005. This time, however, Defendants electronically filed a "motion" titled "Memorandum of Law in Support of Defendants' Motion for Summary Judgment" on July 22, 2005 and claimed service was made on July 21, 2005. *See attached Exhibit C, a 3-page filing titled "Memorandum of Law in Support of Defendants' Motion for Summary Judgment."*

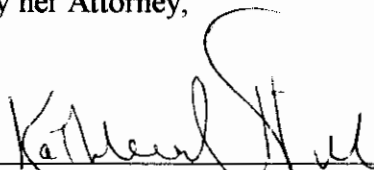
To date, five (5) days after the alleged service, Plaintiff has not received a written copy of the Defendants' Motion for Summary Judgment. When inquiring about the lack of service, Defendants' counsel claimed she mailed a copy on the first day of the electronic filings and service is good because Defendants have made an electronic filing. *See attached Exhibit D, July 25, 2005 facsimile letter to Plaintiff's counsel.*

WHEREFORE, the plaintiff respectfully requests the Honorable Court issue an order: (1) to remove Defendants' Motion for Summary Judgment from PACER, as electronically filed and docketed as docket numbers 61 – 70, (2) require the Defendants to file only one copy of a Motion for Summary Judgment that does not exceed forty (40) pages and require Defendants to serve a written copy of the Defendants' Motion for Summary Judgment with seven (7) days of the Court's order; and, (3) allow Plaintiff fourteen (14) days to file an opposition to Defendants'

Motion for Summary Judgment from receipt of a written copy of Defendants' Motion for Summary Judgment.

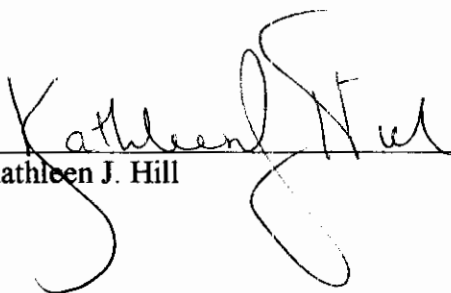
Respectfully submitted,
BERNADINE T. GRIFFITH
By her Attorney,

Date:


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CERTIFICATE OF SERVICE

I, Kathleen J. Hill, certify that I served a true and accurate copy of the foregoing Plaintiff's Emergency Motion To Seal Defendants' Motion for Summary Judgment on the counsel of record: *Keith B. Muntyan and Leah M. Moore*, of Morgan, Brown & Joy, Two Hundred State Street, 11th Floor, Boston, Massachusetts 02109 by pre-paid U.S. Mail and facsimile on this 26th day of July 2005.


Kathleen J. Hill